

REMARKS/ARGUMENTS

Claims 13-15, 17, 20, 40-44 and 47-58 remain in this application. The subject matter of claims 18 and 45 has been incorporated into claims 13 and 40, respectively. New claims 48-58 are based on previously pending claims in which claims 19 and 46 have been incorporated. No new matter has been added.

The Examiner provisionally rejects claims 13-20 and 40-47 on the grounds of non-statutory obviousness-type double patenting over claims 13-20 of copending application 10/734,337 (“’337 Application”). The claims in the ‘337 Application have been amended to recite a particular flow property of the powder material, while the claims in the instant application now include a particular position for the filter. Hence, the claims in the two copending applications are patentably distinct from one another. Applicants request that the Examiner reconsider and withdraw the non-statutory obviousness-type double patenting rejection of the instant claims in view of the claims in the ‘337 Application.

The Examiner rejects claims 13, 15-17, 40 and 42-44 under 35 U.S.C. 103 as being unpatentable over Soviet reference 662,370 (“SU ‘370”) taken together with U.S. Patent No. 5,667,158 (“Bullock”). The Examiner rejects claims 14, 20, 41 and 47 under 35 U.S.C. 103 as being unpatentable over SU ‘370 taken together with Bullock, as applied above, and further in view of U.S. Patent No. 3,430,532 (“Campbell”). Applicants respectfully traverse these rejections.

Claims 13, 40, 48 and 53 are independent claims. The subject matter of claim 18 has been incorporated into claim 13 to overcome these rejections as to claim 13 and its dependent claims. The subject matter of claim 44 has been incorporated into claim 40 to overcome these rejections as to claim 40 and its dependent claims. New claims 48-58 are based on independent claims 13 and 40 with the caveat that the subject matter of claims 19 and 45 has been incorporated, rather than that of claims 18 and 44.

Applicants submit that the instant application is now in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the Examiner contact the undersigned representative.

Respectfully submitted,

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